IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 695 of 1993

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

JALARAM CHEMICAL WORKS

Versus

COLLECTOR

Appearance:

1. Special Civil Application No. 695 of 1993

MR HC BUCH for the Petitioner

MS HARSHA DEVANI, AGP for the Respondents

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 15/01/2003

ORAL JUDGEMENT

The petitioner before this Court is a small scale industry manufacturing washing soap. The manufacturing

unit of the petitioner is situated at village Giriya, district Amreli. With a view to expanding its business, the petitioner had applied for grant of land bearing Survey No.99 situated at village Giriya. Under order dated 25th April, 1985 made by the District Collector, Amreli, the land admeasuring 20,000 sq.meters of the said land Survey No.99 was granted to the petitioner on the terms and conditions mentioned therein. The said order of grant was subsequently modified and the grant was reduced to the land admeasuring 10,000 sq.meters. The said order of grant made in favour of the petitioner was challenged by the Sarpanch of the Giriya Gram Panchayat in Revision Application No.735/1985 before the State Government. The Additional Chief Secretary, Revenue Department (Appeals) was, under his order dated 19th July, 1990, pleased to allow the said Revision Application and set aside the grant made in favour of the petitioner herein. Feeling aggrieved, the petitioner has preferred the present petition.

The various objections raised by the Sarpanch of the Giriya Gram Panchayat did not find favour with the State Government. However, the grant was set aside on the grounds that the proper price fixation of the land was not made; that the land in question was required by the State Government for Thebi Irrigation Project and that the whole of the land of Survey No.99 would be under submergence. Mr.Buch states that the acquisition of the said land Survey No.99 made by the State Government by issuing Notification under Section 4 of the Land Acquisition Act, 1894 has since been set aside and an order of de-acquisition of the said land has also been made. However, Mr.Buch is not in possession of any order of de-acquisition. He relies upon the communication received by one Jemunaben in respect of the grant of land to her out of the said land Survey No.99.

In above view of the matter, the impugned order dated 19th July, 1990 made by the State Government in Revision Application No.735/1985 and the communication dated 8th February, 1991 with respect to the grant of land to the present petitioner under order dated 25th April, 1985 is quashed and set aside. The Revision Application No.735/1985 is remanded to the State Government to be decided afresh keeping in view the de-acquisition of the said land, if any. Pending the Revision Application before the State Government, the petitioner shall maintain status quo as to the possession and the user of the land in question.

The petition is allowed to the above extent. Rule

is made absolute accordingly. There shall be no order as to costs.

(Ms. R.M. Doshit, J.)

/sakkaf